

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

) CIVIL NO. 04-00502 DAE BMK
ILIO'ULAOKALANI COALITION, a Hawai'i, nonprofit corporation;)
NA IMI PONO, a Hawaii unincorporated association; and) DECLARATION OF RONALD L. BORNE
KIPUKA, a Hawai'i unincorporated association,)
)
Plaintiffs,)
)
v.)
)
DONALD H. RUMSFELD, Secretary of United States Department of Defense; and LES BROWNLEE, Acting Secretary of the United States Department of the Army,) Hearing:) Date: November 20, 2006) Time: 9:45) Judge: Hon. David A. Ezra
Defendants.))

I, Ronald L. Borne, hereby declare that:

1. I am currently the Director of Transformation, U.S. Army Garrison Hawaii. In this capacity, I oversee the planning, programming, synchronization and management of the facility programs and projects to transform the 25th Infantry Division (25th ID), pursuant to the Army Campaign Plan, into a Modular Force, which includes a Stryker Brigade Combat Team (SBCT). As more fully described below, there are a minimum number of actions required to train and transform the 2nd Brigade, 25th ID ("2/25") to a SBCT in time to achieve its planned deployment availability date of November 2007. Delaying these minimum actions will significantly disrupt the readiness and transformation of 2/25 to a SBCT. These minimum actions are: 1) receiving 2/25's full complement of equipment, 2) conducting training with this equipment on ranges in Hawaii that existed prior to August 2004, with a modification to one pre-existing range,

11T, at Pohakuloa Training Area ("PTA"), for the Mobile Gun System (A list of those existing ranges is found in the final Site Environmental Impact Statement for Transformation of 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team ("SEIS"), and 3) completing and/or using five of the 28 projects described in the SEIS. These five projects are: Qualification Training Range One ("QTR1"); the Tactical Vehicle Wash Facility ("TVWF"); the Urban Assault Course ("UAC"); the SBCT Motor Pool; and the Multiple Deployment Facility ("MDF"). The Army is cognizant of the recent ruling of the U.S. Ninth Circuit Court of Appeals directing the Army to undertake supplemental SEIS. The five projects described above are absolutely required for deployment and yield the least amount of impact to the environment. These five projects are critical to the training and transformation of 2/25. However, as detailed in paragraph 6, it is important to understand that these projects are not solely for 2/25. These projects will also be used by other military units stationed in Hawaii. Because these projects can, and will, support activities unrelated to Stryker transformation, their completion and/or use will not affect the ultimate decision on where 2/25 will be permanently stationed.

2. I served as a commissioned officer in the U.S. Army for 17 years until retirement in 1996. Prior to assuming my duties in November 2001 as the Director of Transformation, I served as the Range Officer for the 25th ID at Schofield Barracks for one year. In that capacity, I was responsible for the maintenance, planning, safety, operations and scheduling of military training lands and live fire (use of live ammunition) facilities at Schofield Barracks. I was responsible for 169,000 acres and 32 facilities. Prior to that, from 1996 until June 2000, I served as the Director of the Integrated

Training Area Management program, where I was responsible for the study, monitoring, maintenance, operation and mitigation of Army training land in Hawaii, in order to optimize land use for training.

3. 2/25 began its transformation from a Light Infantry Brigade to a SBCT in October 2005 and was re-designated 2nd SBCT, 25th Infantry Division (2/25 SBCT). Already 12 months into the transformation process, 2/25 SBCT must be ready to deploy for strategic missions by November 1, 2007. In order to accomplish this, there are several absolutely essential activities that must occur. These activities fall into three separate but interdependent categories: new equipment fielding/training, individual Soldier and unit-level training, and facility construction. These are the minimum essential activities that must take place in order to prepare 2/25 SBCT to deploy for combat while the Army prepares the already initiated supplemental SEIS directed by the court. These activities maximize the use of existing facilities, and they relocate much of the more controversial training events, such as the company live fire training, to ranges outside of Hawaii.

4. New Equipment Fielding/Training. New equipment fielding involves providing the unit with all of the new equipment it needs to function as an SBCT. To date, more than 18,000 pieces of new or reassigned equipment, to include more than 1,400 pieces of rolling stock (i.e., vehicles, trailers, etc), have been received and processed for 2/25 SBCT. Of the 328 Strykers programmed for 2/25 SBCT, 167 Stryker vehicles are physically in Hawaii. Two more are in transit from the factory and are expected to arrive December 11, with the remaining 159 due in from December 1 to April 30, 2007. In addition to assigning equipment, New Equipment Training (NET) is being conducted for 2/25 SBCT to enable the Soldiers to operate these new pieces of equipment. NET began

October 11, 2005, and is currently scheduled to end June 29, 2007. NET is designed to teach operators, supervisors and maintainers the basic skills to complete their individual duties on the new systems and vehicles. Systems associated with SBCT include new or upgraded weapons (individual and crew served), communication systems, unmanned aerial vehicles, command and control vehicles and the ten Stryker variants, tactical wheeled vehicles, and computer systems with various software programs. While training courses are separate, the entire NET is synchronized to occur both sequentially and simultaneously among the brigade's subordinate units. To date, 1,078 of 1,245 NET courses training 9,083 Soldiers (this counts each Soldier in each course, many Soldiers attend multiple courses) have been conducted covering 245 different courses of instruction. Part of the NET training is required specifically for new Stryker tasks. Individual Stryker vehicle training consists of 1) driving; 2) familiarization with firing the weapon on the Stryker; 3) maintaining the vehicle; and 4) operating special equipment on the specific Stryker variant. Each Stryker has an average of four crew members. Depending on their duty position, the Army-approved Program of Instruction requires 44 hours of actual day and night driving by each of these crews. Specifically, the primary driver receives 24 hours of actual driving; the alternate driver receives 16 hours; and the vehicle commander and the alternate vehicle commander each receive two hours of driver's training (44 hours total). Driver training is conducted using existing roads, trails and ranges on Schofield Barracks or at PTA. For those Stryker vehicles equipped with a Mobile Gun System (MGS), which is a Stryker with a 105 millimeter (mm) gun, crews must operate and fire the MGS using non-explosive training ammunition as part of the NET process. Completing this requirement will involve a temporary modification to an

existing range at PTA. This modification is required because neither of the Battle Area Complex (BAX) facilities at Schofield Barracks or PTA will be completed until the supplemental SEIS or other environmental analysis has been completed, and none of the existing ranges in Hawaii are configured to support the use of the MGS. The existing range selected for this temporary modification is Range 11T at PTA. Range 11T is currently a helicopter gunnery, machine gun, and anti-tank missile range. Prior to 1990, the range was used for tank gunnery for the 25th ID, which had main battle tanks until the mid 1980s. These tanks (Model M60 series) were equipped with the same type of weapons as the MGS, a 105 mm gun. All MGS NET qualification requirements will take place on this range. This temporary improvement primarily uses existing firing points, roads and targets. Only non-explosive, solid metal alloy substitute training ammunition will be used during firing. Range 11T, as a former 105 mm gun range, was chosen because it has the parameters to accommodate the MGS with minor modifications involving re-grading roads, improving berms, and moving certain targets, with no adverse environmental impacts. Additionally, the use of non-explosive rounds significantly reduces the risk of fires or other impacts to the environment.

5. Soldier and Unit-Level Training. Transformation involves training Soldiers on new tasks. It involves creating an entirely new organization of the brigade structure, as well as its subordinate units. Training to support this new organization involves two sequential phases, individual Soldier training and collective training.

a. Phase 1, Individual Soldier training: This training goes on continuously in all Army units for both initial familiarization and sustainment training on various skills. Individual Soldiers are trained on their specific Military Occupational Skills (MOS) and

other combat skills. They must qualify on their individual weapons and assigned, crew-served weapons every six months. They must learn systems operations, maintenance and equipment functions for their assigned organizational equipment.

b. Phase 2, Collective training: Collective training involves training in increasingly larger units, beginning with teams and squads, and culminating in the brigade exercise at the National Training Center (“NTC”) at Fort Irwin, California. The units conduct digital command post exercises, which check out all the communication systems and train the commanders and staff on how to perform their duties. Initially, these exercises are conducted at Schofield Barracks, supported by staff-simulation exercises in a fixed facility. Platoon level exercises are conducted to train Soldiers and their leaders on how to integrate all the assets they have been given at the platoon-level. Battalion, company and platoon exercises will be conducted in the local training areas in Hawaii. Company and battalion-level training exercises will be conducted under the control of the brigade headquarters. Platoon weapons live fire exercises will also be conducted using existing ranges. The culmination of collective training is the Mission Rehearsal Exercise (“MRX”) to be conducted at NTC. The entire brigade will conduct a combination of simulations and live training done under the scrutiny of independent evaluators. Company and battalion maneuver and live fire exercises, plus larger-scale battalion and brigade-level training exercises, will be conducted at NTC during September and October 2007, prior to conducting the MRX. The MRX is the end result of these two years of training and will validate that 2/25, as a fully equipped, trained and ready SBCT that has received all the latest and best equipment, and is prepared for deployment to war. When the Army planned its strategy for the SBCT in 2000, it set the

plan for 2/25 to be available for mission deployment by May 2007. In January 2006, the Commander of the 25th ID asked the Army Staff to delay this date by five months, until November 2007, to allow new equipment deliveries to arrive in a timely manner and to allow for complete, collective training. This request was due to new equipment not arriving in sufficient amounts because of competition for production resources and the need to address battle loss and equipment replacement requirements arising from the Iraq theater of operations, in time to allow 2/25 to be deployment ready by May 2007. The Army Vice Chief of Staff approved the delay.

6. Construction.

a. The SEIS called for 28 important military construction projects associated with transforming and sustaining 2/25 as a SBCT. Many of these projects, however, are multi-use facilities which all Army units and other military services will use. Several of these projects replace, and are being built over, aging critical facilities that were used by all of these units. Each of these projects has various degrees of critical importance to the fielding and sustainment of the SBCT and other Army units in Hawaii.

b. Nonetheless, there are five construction projects which cannot be delayed, even in the short term, because they serve absolutely critical and unique functions in transforming and training 2/25 SBCT by its deployment availability date of November 2007. The five projects are: QTR1, SBCT Motor Pool, UAC, TVWF, and the MDF. Of these five, QTR1, UAC, and MDF are actually built/being built over the facilities they are replacing, substantially minimizing environmental impacts. Two of these facilities, QTR1 and the TVWF, are already constructed and in use, and the other three are more than 50 percent complete.

i. The most important project is QTR1 at Schofield Barracks. QTR1 is complete and currently in use. It is a multi-purpose, small arms and machine gun range built to accommodate all individual or crew-served pistol, rifle and machine gun qualification requirements. QTR1 was built over the former site of qualifying ranges (the McCarthy Flats Ranges) used by 2/25 SBCT and other units in the past. It is essentially a range improvement project that involved major construction to create a QTR for all individual weapons and machine guns using the modern sighting systems. QTR1 is designed to support all individual and crew-served weapons qualification tasks. It is not unique to a SBCT or to the Army. QTR1 is the most critical project for the training of 2/25 because it is the only qualification range in Hawaii with these capabilities. Because it was built over the range it replaced, there is no alternative, and because of the number of Soldiers and weapons that must qualify, this training cannot be accomplished elsewhere. Soldiers are required to qualify with their individual and crew-served weapons (sighting and scoring marksmanship) once every six months using the weapon's standard aiming sights, as well as special optical, laser and thermal sights required for their specific duties. In addition, Soldiers in 2/25 with assigned vehicles, which are the majority of 2/25's Soldiers, must individually qualify with the weapons mounted on their stationary vehicles. 2/25's use of QTR1, like any other unit, would include individual hand held or crew-served, tripod-mounted marksmanship qualification. The weapons used at QTR1 are the small arms 9 mm, 38 caliber and 45 caliber pistols; shotguns; the M-4 carbine; the M-16 rifle; the M-203 40 mm grenade launcher; the M-240 7.62 mm machine gun; the M-249 5.56 mm squad automatic weapon; M-24 sniper rifle; M-2 50 caliber machine gun; and the MK-19 40 mm machine gun. The same crew-served weapons are also fired

from mounts on top of the Stryker or other stationary vehicles that are positioned behind the ground-firing points using the same range targets. This allows those crews to sight and qualify with their machine guns in the expected combat positions of laying on the ground; standing in a foxhole; or from atop their assigned vehicle. All ammunition used on this range is training, non-explosive ammunition, and is similar to over-the-counter civilian munitions. Without QTR1, the most basic Soldier skill, weapons proficiency, cannot be achieved thereby rendering the Soldier and the unit unable to perform their most basic mission. QTR1 is the most critical range complex for the operational NET training of 2/25 as a SBCT, and will likewise be extremely important as the common qualification range for the other Army units in Hawaii.

ii. The second most critical construction project is the SBCT, Motor Pool at Schofield Barracks. The SBCT Motor Pool is designed to provide a state-of-the-art facility for 2/25 to park and maintain the more than 1,000 vehicles, trailers and wheel-mounted systems that are assigned to 2/25. This motor pool allows units to store all assigned vehicles, trailers and equipment, and provides shops to perform a myriad of maintenance functions. It is more than 50 percent complete and provides for state-of-the-art storm water runoff control, pollution prevention, and recycling and spill control capabilities. The SBCT Motor Pool is being built over former commercial agriculture lands in the South Range Acquisition Area. This facility is critical for 2/25 SBCT to store and maintain its vehicles. There is no place on Oahu to carry out these functions due to an already an existing shortage of vehicle maintenance and storage facilities. Without this facility, vehicles and equipment would be stored and maintained in fields, parking lots, and other open-space areas, which creates enormous security issues. It also

increases the risk of environmental harm due to maintenance and fueling mishaps.

Furthermore, equipment maintenance is much more difficult when facilities are ad hoc or non-existent, thereby impacting readiness. The SBCT motor pool also can, and will, be used as a consolidated motor pool by other units in 2/25's absence.

iii. The third most important facility is the UAC at Schofield Barracks. The UAC is designed to provide a facility capable of training 2/25 units in urban terrain combat, like that in Baghdad, where an operational SBCT is currently assigned. This facility is a dismounted (on foot) range used to train Soldiers on combat in urban areas in individual and small unit tasks. The UAC is a multi-purpose, small arms and machine gun range built to accommodate all urban-area, live fire training requirements. Soldiers are required to acquire and practice the drill techniques of entering and clearing hostile forces from urban buildings while minimizing causalities. Personnel identification, fire discipline, teamwork and ballistics effects experience can only be achieved by training at the UAC. 2/25 SBCT's use of the UAC will be limited to dismounted individual or small-unit, live fire drills. The UAC is built over the former site of the Military Operations in Urban Terrain, Assault Course (MAC) used by 2/25 SBCT units in Hawaii to practice urban fighting techniques. It is more than 50 percent complete. The UAC allows 2/25 SBCT units to train in urban combat at the most basic levels. This facility is designed to satisfy training requirements and skills needed by dismounted infantry to defeat the enemy in the modern battlefield. The UAC is critical because, without it, Soldiers and units will not be able to become proficient in the very type of terrain and conditions they will encounter in combat. There is no place else available in Hawaii where 2/25 can conduct this training. It would take too long and be too disruptive to

perform this training outside of Hawaii and would delay 2/25's deployment availability date. It is a certainty that 2/25 SBCT will be engaging in urban warfare when deployed. The inability to complete and use the UAC, therefore, will almost certainly translate into higher casualties for 2/25. The UAC, in replacing the MAC, becomes the urban warfare training center for all Army and other military service units in Hawaii, not just 2/25.

iv. The fourth most important project is the Tactical Vehicle Wash Facility (TVWF), at Schofield Barracks' East Range. This facility is complete and has been in use by 2/25 SBCT and other military units in Hawaii to clean vehicles in a manner that protects the environment. The TVWF was built to provide a state-of-the-art facility for 2/25 and other units to conduct a wash of soil, debris and alien seeds from vehicles, trailers and wheel-mounted systems that are used in East Range and vicinity of Schofield Barracks. The wash water at the TVWF is then captured in a closed recycling system. This project allows units to prevent the spread of alien invasive species of weeds and other biological pests among the unique ecosystems between Army training areas, as required by the U.S. Fish and Wildlife Biological Opinion for Oahu. It also prevents the spread of mud and dirt on public or military roads. The TVWF allows the Soldiers to perform a myriad of simple cleaning functions to ensure materials that may provide a means of spreading seeds are removed and contained at the TVWF and properly disposed of during maintenance. The TVWF was built over a former warehouse site to serve as an environmental mitigation for vehicular movement between training areas. The TVWF is critical to 2/25's ability to conduct vehicle operations with the least amount of harm to the environment while meeting its requirements under the Endangered Species Act. The

TVWF will be used by all Army and other military units utilizing the East Range training area, not just 2/25.

v. The fifth critical project is the Multiple Deployment Facility (MDF) at Wheeler Army Airfield. The MDF is designed to provide a facility for 2/25 SBCT and other units to assemble as unit vehicle groups or convoys and conduct pre-deployment inspections. This project will allow units to pack, weigh, balance, inspect and conduct a myriad of other final preparations of vehicles, trailers and equipment, prior to movement to the air or seaport for debarkation for off-island training or worldwide deployments. The MDF is being built over and expands the former deployment holding site through a major construction project to serve 2/25 SBCT and other Army units as a cantonment area facility for training for movement and to support strategic deployment. While an interim facility was built to allow for simultaneous construction of the MDF and to deploy the rest of the 25th ID to Iraq, this interim facility was constructed to support a light infantry configuration unit, and not a vehicle centric-unit like the SBCT. This MDF is designed to satisfy requirements of rapid deployment through various modes and provide flexibility for all military vehicles under various load specifications. The MDF is critical for 2/25 SBCT to achieve and maintain its rapid deployment ability from Schofield Barracks (in 96 hours or less). While the MDF will not be fully operational until October 2007, the critical portions of the project (i.e., heavy vehicle scales and munitions loading pads) will be completed and, if the court allows, available for use in time to support the 2/25 SBCT's deployment to the NTC and subsequent deployments for combat. Without the MDF, deployment would have to be staggered because the interim deployment facility is too small. This translates into slower, piecemeal deployments, not

allowing 2/25 SBCT to meet the 96 hour deployment window. If the MDF is not completed, 2/25 would be required to use improvised, and less accurate, heavy vehicle scales. Furthermore, the unit would have to improvise munitions loading pads (designed with specific weight, electrical grounding, and accident safety arcs) to upload pre-packaged ammunition supplies for deployments. Such improvisations raise safety concerns. There is no other location in Hawaii that has an adequate deployment facility for a SBCT. The MDF, while being modified for 2/25, will serve as the deployment platform for all Army units in Hawaii.

7. In my 2004 U.S. District Court declaration, I listed the Schofield BAX as critical to the transformation of 2/25. The BAX was, and is, a critical facility for 2/25 and other units for sustainment training in Hawaii. Without it, there is no place available in the state of Hawaii for 2/25 to conduct company live fire exercises to standard. The BAX is not considered critical for 2/25's transformation now because it simply will not be ready for use prior to 2/25's deployment availability date. The BAX was originally supposed to be completed by October 2006. The beginning of construction was delayed until November 1, 2006, due to the presence of much larger than expected amounts of unexploded ordnance (UXO) discovered at the site. It, therefore, took much longer than expected to clear the construction site of the UXO, causing the delay in its construction. Therefore, it can't be critical to 2/25's timely transformation if it will not be completed. Instead, 2/25 extended the period they will spend at NTC so companies can conduct live fire exercises. Each of the five critical construction projects and associated activities described above can, and will, be used by other units in Hawaii. While vital to 2/25's training and transformation, none are Stryker unique. The completion of these projects,

therefore, will not be a factor in the analysis of whether or not to re-station 2/25 outside of Hawaii.

8. The activities and construction described in my declaration are the minimum level of construction and activity that will permit 2/25 to be trained and ready by its deployment availability date of November 2007. A number of the activities that have the greatest potential impact on the environment, such as company and battalion live fire exercises and brigade-level maneuvers, would now occur outside of Hawaii; thereby reducing the effect on the environment in Hawaii while permitting 2/25 to complete transformation. The completion of the projects I have identified will have minimal impact on the environment because they are being built on sites previously disturbed by historical military use, construction or commercial agriculture. If this minimal level of activity and construction is not permitted, 2/25 cannot meet its deployment availability date. It also means 2/25 cannot train or meet mission requirements in Hawaii. As Lieutenant General James J. Lovelace, Army G3, noted, there are no idle brigades in the active Army. It takes 24 months to activate, train, deploy and return a Reserve Component Brigade. 2/25 cannot remain in an untrained, non-deployable state. Major disruptions of war-zone troop rotations, contingency mission obligations, training schedules, transportation schedules, family life and morale throughout the Army would occur if 2/25 was required to train to meet all mission requirements in a different location.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.



13 Nov 06

RONALD L. BORNE

Date